

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MARTHA AMMONS,)	
)	
Plaintiff,)	
)	Civil Action No. 3:17-cv-00505
v.)	
)	District Judge Waverly D. Crenshaw, Jr
ALLY FINANCIAL INC.,)	Magistrate Judge Joe Brown
)	
Defendant.)	

**ALLY FINANCIAL INC.’S NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT**

Ally Financial Inc. (“Ally”) hereby gives notice of new legal authority relevant to its Motion for Summary Judgment (Dkt. 25).

On April 27, 2018, the District Court in *Barton v. Credit One Fin.*, No. 16CV2652, 2018 U.S. Dist. LEXIS 72245 (N.D. Ohio Apr. 27, 2018)—another Court within the Sixth Circuit—granted Defendant’s motion for summary judgment on claims brought under the Telephone Consumer Protection Act. Plaintiff had entered into a Cardholder Agreement with Defendant under which Plaintiff provided his express consent to be contacted. *Id.* at *7-8. The court held that “the TCPA does not permit a consumer who agrees to be contacted by telephone as part of a bargained-for transaction to unilaterally revoke that consent.” *Id.* at *9 (citing to *Reyes v. Lincoln Auto. Fin. Servs.*, 861 F.3d 51, 56 (2d Cir. 2017)) (internal quotation marks omitted). Consequently it granted the Defendant’s motion for summary judgment.

A copy of the decision is attached hereto as **Exhibit A**.

Respectfully submitted this 1st day of May, 2018.

/s/ Eric J. Troutman

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Counsel for Defendant Ally Financial Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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This 1st day of March, 2018.

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